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EXAMINER

CHOWDHURY, SUMAIYA A

ART UNIT PAPER NUMBER

2623

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/993,795 | GOLDMAN, PHILLIP Y. | |
| | Examiner | Art Unit | |
| | Sumaiya A. Chowdhury | 2623 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-39 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

In claim 37, line 5, change "carrying" to --encoded--.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 7, 10-11, 14-21, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Abecassis (5953485).

As for claim 1, Abecassis teaches in a computing device having an associated output device, a method for automatically executing an interruption operation on media content in response to an event, comprising the acts of:

as media content is obtained from a content source (video server 1321) and output by the output device, detecting a first event (incoming telephone call) associated with said other device, indicating that the output of the media content is to be modified (paused), wherein said first event comprises a telephone related event – (When the system detects a phone call while the user is watching TV, the caller ID is displayed on the TV screen. If the user picks up the receiver, the content is automatically paused. – col. 52, lines 14-38, lines 48-57);

in response to detecting the first event, and while maintaining connection with the content source, automatically executing an interruption operation (pausing of content) on the media content such that the output of the media content is modified and can be later restored without loss of continuity of the media output – col. 52, lines 48-57.

As for claims 2 and 20, Abecassis teaches wherein the act of detecting the first event comprises the act of detecting a ring signal on a telephone line – col. 52, lines 11-20.

As for claims 3 and 21, Abecassis teaches the act of detecting the first event comprises the act of detecting an off-hook condition of a telephone – col. 52, lines 34-39.

As for claims 7 and 24, Abecassis teaches wherein the act of detecting the first event comprises the act of detecting a signal from a device (telephone) associated with a home network – col. 52, lines 11-20.

Claims 10 and 11 contains the claim limitations of claim 1 and are analyzed as previously discussed with respect to that claim.

As for claim 14, Abecassis teaches wherein the act of automatically executing an interruption operation on the media content comprises the act of automatically executing an operation (pause) on the media content such that the output of the media content is interrupted and can be later resumed without loss of continuity of the media output. – col. 52, lines 48-57.

As for claim 15, Abecassis teaches in response to a second event resuming the output of the media content – col. 53, lines 25-40.

Claim 16 contains the limitations of claims 1, 14, and 15, and is analyzed as previously discussed with respect to those claims.

As for claims 17 and 18, Abecassis teaches the act of displaying a message associated with detection of the first event and wherein the act of displaying a message (caller ID information) associated with detection of the first event comprises the act of

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displaying caller ID data associated with an incoming telephone call – col. 52, lines 11-20.

As for claim 19, Abecassis teaches in response to a second event, resuming display of the television signal by displaying the television signal that has been stored on the storage device (storage module; col. 52, lines 49-57).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-6 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis in view of Perlman.

As for claim 4, Abecassis fails to teach the act of detecting an off-hook condition of a telephone comprises the act of testing the impedance of a telephone line associated with the telephone.

In an analogous art, Perlman teaches the act of detecting an off-hook condition of a telephone comprises the act of testing the impedance of a telephone line associated with the telephone.– (col. 6, lines 13-16).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Abecassis' invention to include the above mentioned limitations, as taught by Perlman, for the advantage of providing an effective method of determining an off-hook condition.

As for 5, Abecassis fails to teach wherein the act of detecting the first event comprises the act of detecting a call waiting signal on a telephone line.

In an analogous art, Perlman teaches the act of detecting the first event comprises the act of detecting a call waiting signal on a telephone line – (col. 5, lines 54-60).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Abecassis' invention to include the above mentioned limitation, as taught by Perlman, for the advantage of detecting an event which might be of interest to the user.

As for claims 6 and 23, Abecassis fails to teach the act of detecting the first event comprises the act of detecting receipt of an electronic message.

In an analogous art, Perlman teaches the act of detecting the first event comprises the act of detecting receipt of an electronic message – (Perlman; col. 7, line 63 – col. 8, line 6).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Abecassis' invention to include the above mentioned

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limitation, as taught by Perlman, for the advantage of detecting an event which might be of interest to the user.

As for claim 22, Abecassis fails to teach wherein the off-hook condition is detected immediately after a ring signal on a telephone line associated with the telephone.

In an analogous art, Perlman teaches wherein the off-hook condition is detected immediately after a ring signal on a telephone line associated with the telephone - (Perlman; col. 6, lines 5-25).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Abecassis' invention to include the above mentioned limitation, as taught by Perlman, for the advantage of detecting an event which might be of interest to the user.

7. Claim 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis as applied to claim 1 above, and further in view of Tetsumura (5793409).

As for claims 8 and 9, Abecassis fails to teach wherein the act of detecting the first event comprises the act of detecting a signal from a motion sensor and personal transmitter.

In an analogous art, Tetsumura teaches detecting a signal from the area sensor (motion sensor and personal transmitter) in order to automatically execute a function – col. 6, lines 27-36.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Abecassis's invention to include detecting a signal from the area sensor, as taught by Tetsumura, for the advantage of automatically executing a function.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis as applied to claim 1 above, and further in view of O'Callaghan (5594492).

As for claim 12, Abecassis teaches wherein the act of detecting a first event indicating that the output of the media content is to be modified comprises the act of, as television programming is received from a server and output by the output device, detecting a first event (pick up of phone receiver) indicating that the output of the television programming is to be interrupted (col. 52, lines 14-55).

However, Abecassis fails to teach that the server is a video on demand server.

In an analogous art, O'Callaghan teaches a video on demand server (404 – Fig. 4) for the advantage of allowing the user to view selected content instantaneously – col. 6, lines 36-45.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Abecassis's invention to include a video on demand

server, as taught by O'Callaghan, for the advantage of allowing the user to view selected content instantaneously.

9. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis and O'Callaghan as applied to claim 12 above, and further in view of Jennings (US 2004/0025186).

As for claim 13, Abecassis and O'Callaghan fail to teach wherein the act of detecting a first event indicating that the output of the television programming is to be interrupted comprises the act of transmitting a signal from the computing device to the video on demand server indicating that the output of the television programming is to be interrupted by the video on demand server.

In an analogous art, Jennings discloses wherein a signal is transmitted from the receiver to the media server (510 – Fig. 5; video on demand server) indicating to pause the content for the advantage of having the operation done at the server end rather than the receiver to keep the functions carried out by the receiver to a minimum– paragraph [0199].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Abecassis and O'Callaghan's invention to include wherein a signal is transmitted from the receiver to the media server indicating to pause the content, as taught by Jennings, for the advantage of having the operation done at

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the server end rather than the receiver to keep the functions carried out by the receiver to a minimum.

10. Claims 25-26, 28, 30-34 and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis in view of Yen (6,668,278).

As for claim 25, Abecassis teaches in a computing device having an interruption engine and an associated output device, a method for automatically executing an interruption operation on media content in response to an event, comprising the acts of:

as media content is received and output by the output device, detecting an event (incoming telephone call) in the environment of the computing device – col. 52, lines 14-57;

automatically executing the interruption operation on the media content – col. 52, lines 14-57

However, Abecassis fails to teach:

identifying a priority value to be assigned to the event based on priority information stored at the computing device;

applying a rule of a set of rules to the priority value assigned to the event to identify an interruption operation;

In an analogous art, Yen teaches:

a) identifying a priority value to be assigned to the event based on priority information stored at the computing device – col. 12, lines 7-32;

b) applying a rule of a set of rules to the priority value assigned to the event to identify an interruption operation – col. 12, lines 7-32;

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Abecassis' invention to include steps a) & b), as taught by Yen, for the advantage of allowing the user to set at what instances to be interrupted.

As for claim 26, Abecassis and Yen disclose the claimed limitations. In particular, Abecassis teaches the act of detecting the event comprises the act of determining that a telephone call is being received – col. 52, lines 14-37.

As for claim 28, Abecassis and Yen disclose the act of detecting the event comprises the act of receiving information via an input mechanism (telephone) that was established for interrupt sources to inform the interruption engine (processor) that the output of media content is to be interrupted (paused) – Abecassis; col. 52, lines 10-57.

As for claim 30, Abecassis and Yen discloses the claimed limitations. In particular, Yen teaches the act of receiving data that was registered with the interruption engine by a user, wherein the data defines the set of rules (The user explicitly specifies the alert threshold for interruption for each event. – col. 12, lines 7-32).

As for claims 31 and 36, Abecassis and Yen teach the claimed limitations. In particular, Abecassis teaches wherein the interruption operation is such that the output of the media content is paused as discussed above in claim 1.

As for claim 32, Abecassis and Yen disclose the claimed limitations. In particular, Yen teaches the act of the interruption engine learning the behavior of a viewer associated with the computing device so as to generate the information on which the priority value to be assigned to the event is based (col. 10, lines 21-26, col. 12, lines 16-37).

As for claim 33, Abecassis and Yen disclose the claimed limitations. In particular, Yen teaches the act of the interruption engine learning the behavior of a viewer associated with the computing device so as to generate the rule of the set of rules(col. 10, lines 21-26, col. 12, lines 16-37).

As for claim 34, Abecassis and Yen disclose the claimed limitations. In particular, Yen teaches wherein the act of applying a rule of a set of rules to the priority value comprises the act of further applying an exception to the rule (Yen teaches where interruption occurs depending on the type of content being viewed by the user. For example, interrupting while viewing email as opposed to interrupting a TV show or movie – col. 12, lines 15-26).

As for claim 37, Abecassis and Yen disclose the claimed limitations. In particular, Abecassis teaches a computer-readable medium (503 – Fig. 5) carrying computer-executable instructions that, when executed at the computing device, cause the computing device to perform the method as recited in claim 1 – col. 21, lines 20-25

Claim 38 contains the limitations of claims 19 and 37 and is analyzed as previously discussed with respect to those claims.

11. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis and Yen as applied to claim 25 above, and further in view of Perlman.

As for claim 27, Abecassis and Yen fail to disclose the claimed limitations.

In an analogous art, Perlman teaches the act of detecting the event comprises the act of detecting the receipt of an electronic message – col. 7, line 63 – col. 8, line 7.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Abecassis and Yen's invention to include the above mentioned limitation, as taught by Perlman, for the advantage of detecting an event which might be of interest to the user.

12. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis and Yen as applied to claim 25 above, and further in view of Block (6,675,384).

As for claim 29, Abecassis and Yen fails to teach receiving the set of rules in broadcast data encoded in a television signal.

In an analogous art, Block teaches that the label generator (170 – Fig. 2) provides a transmitted information label TIL for transmission with the programs signals. The TIL is used to identify and characterize the content of the audio and video program signals (col. 4, lines 47-52). Based on the TIL encoded in the program signal, the content is either blocked or displayed to the viewer (col. 13, lines 23-57).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Abecassis and Yen's invention to include receiving the set of rules in broadcast data encoded in a television signal, as taught by Block, for the advantage of having the headend determine what is objectionable or not to the viewer.

13. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis and Yen as applied to claim 25 above, and further in view of O'Callaghan.

As for claim 35, Yen teaches applying a rule of a set of rules to the priority value (col. 12, lines 7-32). However, Abecassis and Yen fail to teach a video on demand server

In an analogous art, O'Callaghan teaches a video on demand server (404 – Fig. 4) for the advantage of allowing the user to view selected content instantaneously – col. 6, lines 36-45.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Abecassis and Yen's invention to include a video on demand server, as taught by O'Callaghan, for the advantage of allowing the user to view selected content instantaneously.

14. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis in view of Yen as applied to claim 25 above, and further in view of August (5671267)

As for claim 39, Abecassis and Yen fail to teach the claimed limitation.

In an analogous art, August teaches reducing a volume setting associated with rendering of the media content – col. 11, lines 63-67.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Abecassis and Yen's invention to include the above mentioned limitation, as taught by August, for the advantage of not disturbing the user while the user is on the phone.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC



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